

Appl. No. 10/807,421
Amtd. Dated November 18, 2005
Reply to Office Action of November 4, 2005

REMARKS

Election/Restrictions

Restriction is required under 35 U.S.C. 121.

In response to the restriction requirement, Applicant hereby elects with traverse to prosecute the invention of Group I, claims 1-7. Applicant further submits that claim 17 should also be included with Group I, as it is also directed toward the frame and not the backlight module.

Applicant submits that the restriction under 35 U.S.C. 121 is improper. First of all, the Examiner states that the basis for the restriction is that Groups I and II are related as a product and a process of use. However, Group I is, in fact, a subcombination of Group II. Furthermore, each and every element of independent claim 1 of Group I is a required element of independent claim 8 of Group II. Therefore, it cannot be established that "the combination as claimed does not require the particulars of the subcombination as claimed", as is required as part of the two-prong test for restriction of a subcombination relative to a combination (MPEP §808.01). As such, Applicant respectfully submits that the restriction requirement under 35 U.S.C. 121 should be withdrawn and that all the claims should be examined on their merits.

Appl. No. 10/807,421
Amtd. Dated November 18, 2005
Reply to Office Action of November 4, 2005

Applicant reserves the right to prosecute the invention of Group II, claims 8-16, in a divisional application, if the restriction should be maintained.

Respectfully submitted,

Kun-Jung Tsai

By Jeffrey T Knapp

Jeffrey T. Knapp

Registration No.: 45,384

Foxconn International, Inc.

1650 Memorex Drive

Santa Clara, CA 95050

Tel. No.: (714) 626-1229